

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	CRIMINAL ACTION No. H-11-0079
v.	§	
	§	CIVIL ACTION No. H-14-0153
JOE L. GONZALEZ	§	

ORDER OF DISMISSAL

Defendant Joe L. Gonzalez filed a *pro se* motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 (Docket Entry No. 480), which he styled in the alternative as a motion for downward departure post-sentencing (Docket Entry No. 479). Defendant makes clear his request that the Court hold the motion in abeyance pending such time as a “new law comes on line,” and requests that no action be taken until then. He argues that four new sentencing bills are in the process of being proposed, and that they may be passed and become effective at some point in 2014. He requests that section 2255 relief be granted and that he be re-sentenced pursuant to these future laws whenever they become effective.

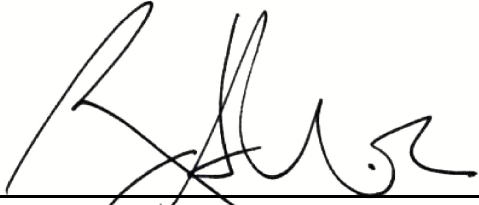
Defendant’s motion provides this Court no grounds for jurisdiction, as a request for judicial action based on future law establishes no present “case or controversy” for purposes of federal jurisdiction. U.S. CONST. art. III, sec. 2, cl. 1. The motion must be dismissed for want of jurisdiction.

Defendant’s motion to stay is DENIED and the section 2255 motion (Docket Entries No. 279, 280) is DISMISSED WITHOUT PREJUDICE FOR WANT OF JURISDICTION,

subject to being timely re-filed pursuant to any subsequently-enacted law or promulgated regulation defendant may believe provides him a basis for relief. In the event defendant presently intends to seek section 2255 relief pursuant only to *existing* law, he may seek such relief in a timely-filed section 2255 motion, utilizing the standardized, pre-printed section 2255 form approved by the Court for use by *pro se* inmates.

The Court FURTHER ORDERS that C.A. H-14-0153 be administratively closed.

Signed at Houston, Texas on January 23, 2014.



Gray H. Miller
United States District Judge